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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,254	10/22/2001	Klaus Blinn	TER-99P3268	3331

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LERNER AND GREENBERG, P.A.  
PATENT ATTORNEYS AND ATTORNEYS AT LAW  
Post Office Box 2480  
Hollywood, FL 33022-2480

EXAMINER
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SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 01/07/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 15

Application Number: 10/036,254  
Filing Date: October 22, 2001  
Appellant(s): BLINN ET AL.

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Alfred K. Dassler  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 30, 2003.

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**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of claims contained in the brief is correct

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that dependent claims 2-10 and 12-14 do stand or fall together with independent claims 1, 11 and 15 and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

3,416,439	Tezuka, Kunitoshi	12-1968
4,869,141	Klingel, Hans	9-1989

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 and 9-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka (3,416,439) in view of Klingel (4,869,141) as set forth in the Office Action dated, March 28, 2003 and hereby incorporated.

**(11) Response to Argument**

Appellant's arguments have been carefully considered. Appellant argues that "a person of ordinary skill in the art **would never replace the shaft(13) with a bolt...**" This argument however, is not found persuasive. It is well known in the mechanical arts to connect/attach separable components via a bolt and nut connection. Consequently replacing one type of shaft mechanism (i.e. Tezuka's shaft (13)) for another (bolt) is simply mere substitution of like parts and does not constitute patentability. Further, the prior art reference, Tezuka clearly teaches a ram head secured to a ram via a shaft (13) and nut/locking ring (14) wherein the shaft is connected in a rotatable manner thereby allowing rotation of the ram head (2) about the press

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frame (4). Additionally the connection/securing means (7, 8, 13, 14) between the ram head (2) and ram (6) allow for ease of removal/replacement of the ram head(2) from the ram (6).

As to, Appellant's arguments that the replacement of a shaft with a bolt would **"thereby destroy an intended function"** and that "a centrally located bolt **cannot function in relation to the plate (7) as the shaft (13) does**", is not accurate. As noted above, inasmuch as the bolt consists of a shaft (i.e., shank portion), replacing or substituting one type of shaft for another is clearly a substitution of ordinary mechanical expedients. Moreover, because the bolt consists of a shaft portion, the functionality of the bolt as it relates to the ram head (2) and ram (6) to secure/connect and allow for rotational movement of the ram head is not inhibited.

Regarding Appellant's remarks with reference to the necessary clearances as it relates to the use of a bolt versus a shaft; determining clearance tolerances is well within the ordinary skill level of mechanical/machining/engineering practices. The prior art reference, Tezuka discloses a clearance between the shaft (13) and the ram head (2) wherein the clearance is minimized by a bushing (8) so as to create the optimal clearance between the shaft (13), the ram (6) and ram head (2). Whereas the bolt is a threaded shaft, replacing the bushing (8) and shaft (13) as noted above with a bolt would not change/alter the overall engineering tolerance practices. Furthermore, discovering the optimal value of a result effective variable (i.e., clearance between the bolt/shaft, ram and ram head) involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Appellant's remarks that the combination of prior art references, Tezuka and Klingel is non-obvious is not deemed persuasive. Both references incorporate a pressing ram(s) and

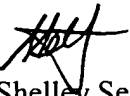
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rotationally displaceable ram head to alter the physical characteristics of an object via an applied vertical force, accordingly the references are analogous and proper combination is made.

Finally, Appellant argues that the prior art references Tezuka and Klingel fail to teach "...an embodiment for preventing the introduction of forces which act in the peripheral direction via the ram head..." This argument, however, relates to the function of the apparatus and not to any positively recited structure in the claims. Accordingly, the argument is deemed non persuasive.


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Respectfully submitted,

  
Shelley Self  
January 5, 2004

Conferees:

  
Allan Shoap, SPE 3724

  
Allen Ostrager, SPE 3725

  
ALLEN OSTRAGER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

LERNER AND GREENBERG, P.A.  
PATENT ATTORNEYS AND ATTORNEYS AT LAW  
Post Office Box 2480  
Hollywood, FL 33022-2480